

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PETER ROSE,

Plaintiff,

v.

JOHN DOWD,

Defendant.

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CIVIL ACTION

NO. 16-3681

ORDER

AND NOW, this __14th__ day of July, 2017, upon consideration of Defendant John Dowd's Motion to Dismiss Complaint (Doc. 12), Plaintiff Peter Rose's Memorandum of Law in Opposition to Defendant John Dowd's Motion to Dismiss (Doc. 16), the Reply Brief in Support of Defendant John Dowd's Motion to Dismiss Complaint (Doc. 18), and Oral Argument held before Chief Judge Petrese B. Tucker on December 19, 2016, **IT IS HEREBY ORDERED AND DECREED** that Defendant's Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

1. Defendant's Motion is **DENIED** as to Count One;
2. Defendant's Motion is **DENIED** as to Count Two; and
3. Defendant's Motion is **GRANTED** as to Count Three.

IT IS FURTHER ORDERED that Plaintiff's request for leave to amend his Complaint as to Count Two is **GRANTED**. Plaintiff may amend his Complaint to supplement his allegations of special harm on or before **Tuesday, August 1, 2017**.¹

¹ This Order accompanies the Court's Memorandum dated July 14, 2017.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, C.J.